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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sarah DESMOTS et al.
Int'l Appln. No. PCT/GB98/00950
Int'l Filing Date: 30 March 1998
U.S. Serial No.: 09/381,890
Title : DEPILATORY COMPOSITIONS, THEIR PREPARATION
AND USE

BOX PCT

Mr. Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
United States Patent & Trademark Office
Washington, D.C. 20231

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

This is a request for reconsideration of the Decision on Petition under 37 C.F.R. § 1.47(a), which was mailed on 27 August 2002.

Accompanying this Renewed Petition is a Petition for a Four-Month Extension of Time, with the fee required under 37 C.F.R. § 1.17(a)(4).

There are eight inventors in this application, all of whom have assigned their rights to Reckitt & Colman France (now by change of name, Reckitt Benckiser France).

Declarations under 37 C.F.R. § 1.63 were previously submitted for three inventors. Accompanying this renewed Petition is a Declaration under 37 C.F.R. § 1.63 for a fourth inventor. The situation with respect to the other four inventors will be discussed in detail below.

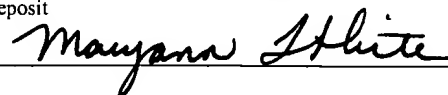
CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

24 February 2003

Date of Deposit

Signature



Maryann White

Typed or Printed Name of Person Signing Certificate

David Acher, Gerd Dahms and Hubert Delagneau

Combined Declarations and Powers of Attorney for these inventors were filed on 21 February 2002. In the Decision on said Petition, the PCT Legal Examiner said that these Declarations are not acceptable because they do not comply with the requirements of 37 C.F.R. § 1.47(a)(4) to the effect that an applicant's oath or declaration must indicate that it is being executed on his or her own behalf and on behalf of the non-signing joint inventors. Reconsideration of this ruling is requested.

In a discussion with the PCT Legal Examiner on 5 February 2003, the undersigned attorney pointed out that, in each of the Declarations submitted, the Declarant states at the beginning of each Declaration that "I am an original, first and joint inventor, together with [the names of the other seven inventors] of the subject matter which is claimed for which a patent is sought . . .". Thus, each of these Declarations identifies the Declarant and also states that the other seven inventors are joint inventors with the Declarant. The PCT Legal Examiner acknowledged that these Declarations are in compliance with the rule. It is therefore requested that they be formally accepted.

Annick Canelas

In the Renewed Petition filed on 21 February 2002, the undersigned attorney submitted evidence to show that inventor Annick Canelas had refused to sign a Declaration under 37 C.F.R. § 1.63. In the Decision on Petition of 27 August 2002, the PCT Legal Examiner ruled that this submission was an inadequate showing because the evidence submitted did not comply with the provisions of MPEP § 409.03(d) to the effect that the non-signing inventor must understand exactly what she is refusing to sign. The letter of 3 October 2001 to inventor Canelas included a Combined Declaration and Power of Attorney form which referred to the instant application both under its U.S. Serial No. 09/381,890

and under its International No. PCT/GB98/00950. A copy of the application was not included with the letter but the letter, Exhibit I-1, referred in its first paragraph to "Project System H". It is believed that the identification of the application by its International number and the reference to "System H" in Exhibit I-1, coupled with the fact that Annick Canelas had already executed an Assignment to her employer (Reckitt & Colman France) indicates that she knew exactly what she was refusing to sign. It is therefore believed that the evidence previously submitted constitutes an adequate showing that Annick Canelas had refused to sign this application.

Nevertheless, a further attempt was made to secure Ms. Canelas' signature. Attached hereto are Declarations from the undersigned attorney, from Ms. Karen Grant and from Ms. Christelle Leboucher-Madec, together with four Exhibits labelled N-1, N-2, N-3 and N-4.

As shown in Exhibit N-1, the undersigned attorney sent a new Combined Declaration and Power of Attorney form to Ms. Canelas, the form being attached to a copy of PCT publication WO 98/44898, with instructions to sign and return the document without detaching it from the application. There is some evidence, as provided in the Boucher-Madec Declaration, that inventor Canelas may have moved house, but this is not certain. The fact that the letter to Ms. Canelas was (unlike contemporaneous letters sent to three other inventors) not returned as undeliverable indicates that it was probably received by her, either at her last known address or at a new address. The last known address of inventor Canelas is:

53, rue de Voves
F-28630 Le Coudray
France

An attempt was also made to locate a possible new address for Ms. Canelas by checking the pagesjaune.fr database. As indicated in Exhibits N-2 and N-3, no results were found.

After all of the efforts to locate Ms. Canelas had failed, the undersigned attorney and Ms. Grant learned that, in February of 2002, Annick Canelas had sent a note to Ms. Leboucher-Madec at Reckitt Benckiser France to the effect that she would not sign anything on behalf of Reckitt & Colman, her former employer. A copy of the note is attached to Ms. Grant's Declaration as Exhibit N-4; Exhibit N-5 is translation. The last sentence of the note states that Ms. Canelas "cannot sign anything for Reckitt & Colman". This indicates a refusal on her part to sign any document on behalf of her former employer, regardless of what it is. If we had known about this note at the time of its receipt, it would have been promptly forwarded to the Patent and Trademark Office as further evidence of Ms. Canelas' refusal to sign this application. In any event, it is believed that sufficient evidence clearly exists now to show that Annick Canelas has refused to sign the application.

Sarah Desmots

The Renewed Petition filed on 21 February 2002 contained evidence to show that inventor Sarah Desmots could not be found. In the Decision on said Petition, the PCT Legal examiner held that the evidence was not adequate because there was no showing of attempts to locate Ms. Desmots through her local post office or to find her on the Internet.

The previous attempt to have Ms. Desmots sign a Combined Declaration and Power of Attorney was made through Federal Express which does not forward documents in the event that the intended recipient has moved. Therefore, the undersigned attorney sent a new set of documents to Ms. Desmots via the postal service. As shown in Exhibit O-1, the materials sent to her were (1) a Combined Declaration and Power of Attorney form stapled to a copy of PCT publication WO 98/44898, (2) a return envelope and (3) a € 10 note as reimbursement for return postage. The package was returned with a notation that Ms. Desmots does not live at the indicated address.

Attempts to locate Sarah Desmots by means of an Internet search in the pagesjaune.fr database yielded no results, as reported in the Declaration of the undersigned attorney and Exhibits O-3 and O-4.

The last known address of inventor Desmots is:

4 rue de la Fulda
F-28100 Dreux
France

We have come to a dead end as far as inventor Desmots is concerned. It is submitted that the efforts to contact Ms. Desmots meet the standard of diligence required by 37 C.F.R. § 1.47(a) and that the evidence now submitted should be regarded as adequate to show that this inventor cannot be found.

Bruno Guillaume

Mr. Guillaume has now agreed to sign the application. A Combined Declaration and Power of Attorney, executed on 26 November 2002, is here enclosed. It is in the same format as the forms previously executed by inventors Acher, Dahms and Delagneau, and is believed to be acceptable.

Philippe Ledon

The Renewed Petition filed on 21 February 2002 contained evidence to show that inventor Philippe Ledon could not be found. In the Decision on said Petition, the PCT Legal examiner held that the evidence was not adequate because there was no showing of attempts to locate Mr. Ledon through his local post office or to find him on the Internet.

The previous attempt to have Mr. Ledon sign a Combined Declaration and Power of Attorney was made through Federal Express which does not forward documents in the event that the intended recipient has moved. Therefore, the undersigned attorney sent a new set of documents to Mr. Ledon via the postal service. As shown in Exhibit P-1, the materials sent to him were (1) a Combined Declaration and Power of Attorney form stapled to a copy of PCT publication WO 98/44898, (2) a return envelope and (3) a € 10 note as reimbursement for return postage. The package was returned with a notation that Mr. Ledon does not live at the indicated address.

Further efforts to locate inventor Ledon are set forth in the accompanying Declarations of the undersigned and of Ms. Karen Grant. A search in the pagesjaune.fr database yielded a Philippe Le Don at a different address, who may possibly be inventor Philippe Ledon. The materials previously sent and returned were readdressed to Philippe Ledon at the address reported in pagesjaune.fr. They were received on 10 February 2002 and signed by someone named Leclerc. In these circumstances, we cannot be certain as to whether (1) we have the "right" Philippe Ledon, (2) who actually received the documents or (3) assuming that inventor Philippe Ledon received them, whether he has refused to sign them. As noted in Ms. Grant's declaration, attempts to discuss this matter with Mr. Le Don whose telephone number appears in pagesjaune.fr have not been successful.

At this point, therefore, we have a situation where after diligent effort, the inventor cannot be found. The last known address of inventor Ledon is:

5, Les Hauts du Château
F-28300 Saint Prest
France

or possibly

10 rue Varenne
F-28300 Champhol
France.

If a signed Declaration is received from inventor Ledon, it will be promptly forwarded to the Patent and Trademark Office.

Séverine Poette

The Renewed Petition filed on 21 February 2002 contained evidence to show that inventor Séverine Poette could not be found. In the Decision on said Petition, the PCT Legal examiner held that the evidence was not adequate because there was no showing of attempts to locate Ms. Poette through her local post office or to find her on the Internet.

The previous attempt to have Ms. Poette sign a Combined Declaration and Power of Attorney was made through Federal Express which does not forward documents in the event that the intended recipient has moved. Therefore, the undersigned attorney sent a new set of documents to Ms. Poette via the postal service. As shown in Exhibit Q-1, the materials sent to her were (1) a Combined Declaration and Power of Attorney form stapled to a copy of PCT publication WO 98/44898, (2) a return envelope and (3) a € 10 note as reimbursement for return postage. The package was returned with a notation that Ms. Poette does not live at the indicated address.

Further efforts to obtain Ms. Poette's signature are discussed in the accompanying Declarations of the undersigned and of Ms. Karen Grant. We were able to locate Ms. Desmots in the pagesjaune.fr database by looking under her former name Séverine Hémerly. Ms. Grant spoke with Ms. Poette and gained the impression that Ms. Poette would execute the Declaration. Accordingly, the papers that were sent to Ms. Poette in November 2002 were re-addressed on 6 February 2003 to the address found in the pagesjaune.fr database. They were received, apparently by Ms. Poette, on 17 February 2003. The signed Declaration has not been returned and, at this point we must assume that she is refusing to sign. Her last known address is:

2 chemin de la Bouverie
F-28350 Dampierre sur Avre
France.

If a signed Declaration is received, it will be promptly forwarded to the Patent and Trademark Office.

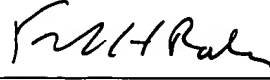
CONCLUSION

In view of the previously submitted Declarations under 37 C.F.R. § 1.47(a) and the enclosed Declaration from Bruno Guillaume, it is requested that this Application be permitted to proceed with the four Declarations, and that they be regarded as having been made in behalf of the Declarants and the non-signing inventors.

Any fee required for this renewed Petition should be charged to Deposit
Account No. 06-1050.

Respectfully submitted,

Date: February 24, 2003



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